

Mary Pichetti, Director of Construction, Concord-Carlisle RSD  
Massachusetts School Building Authority  
40 Broad Street, Suite 500  
Boston, MA 02109

In my certified letter to you of 25 July I explained a construction option for the new Concord-Carlisle Regional High School that does not require destruction of a practically new Town asset, our Transportation Facility, that we will be paying for until 2017.

This message includes a progress report on how the District has handled my proposal. It also is a Report Card that relates to the District's response to your letter to them dated August 21, 2012.

We are disappointed. My proposal has not been evaluated in good faith. The District has so far rejected this option to meet their own publicly stated needs as well as to meet the clear voice of Concord voters in the Special Town Meeting of April 24, to retain the present transportation facility now on the site, and not in the way of the new construction. The District has evaded this last opportunity to regain a little of the respect, confidence, and credibility they have lost with the town.

Although the District's disruptive and unnecessary decision will incur two or three million dollars in extra costs to the taxpayers, I have realized that this problem is quite small compared with a much larger problem they have caused.

As a result of a poorly recorded site selection process in May and June 2011, the District ruled out the use of an MSBA model design for our new high school. There is a more appropriate site option of similar or identical quality that was not selected.

When the Boston Sunday Globe reported on the new Natick High School (on page 4 of the Globe West section of September 2), I was shocked to realize how much the District has secretly cost the taxpayers by choosing the site they selected. The taxpayers will pay an extra \$23 million or so, and will be getting an inferior school, now much degraded from the design we were shown for the budget vote in November 2011.

This difference is so great that the potential savings will justify taking a fresh look at the entire project. Based on the published information, I believe that Concord-Carlisle can start over, scrap the present design from OMR, and build a new model design school of the same size, with more attractive features, for a net savings of millions of dollars, and can finish it at about the same time. The site that can be used for the model design is farther from the transportation

facility, so that does not have to be touched. Any question about the quality of the resulting school can be addressed simply by visiting the excellent similar schools in Natick, Norwood, and Plymouth. Please accept my applause for your Model School Program!

My comments on this and other related issues are in my attachment. I will be pleased to provide copies of Committee minutes, Reports, and other information I have cited. Related documents not already posted on the CCHS website have been provided for public access at: <http://tinyurl.com/8v3cryn> They include a documented history of misbehavior by the District, the "Event Timeline".

In addition to the problems I have detailed in my Report Card, there is a bogus petition that has been posted by individuals who sympathize with the questionable actions of the District. The petition and its appended comments blame the MSBA's recent cessation of payments on "a small number of vocal individuals", rather than the reasons that were expressed by you. Perhaps you have received a copy of the petition and the comments, although the petitioner (business partner of a sitting Building Committee member) has failed to reach his goal.

Sadly, that petition has been signed by a sitting member of the Building Committee, with gratuitous comments, and has been endorsed by another! Stan Durlacher, chair of that committee, knows perfectly well that this effort to deflect the proper blame is deceptive, and has said so in small meetings. But he has refused our request to remove these two individuals who are blatantly trying to deceive the community by demonizing all who protest their actions. Stan has also refused to remove his Communication member, who has neglected to issue a press release stating the real reason you suspended payments. It will be a mistake for you to restore payments without correcting this problem as well.

The process was "broken", and it is still "broken".

I will write again when I have read the written response from the District that was due back to you yesterday.

William T. Plummer  
129 Arena Terrace  
Concord, MA 01742  
September 15, 2012

## **A Citizen Report Card on Concord-Carlisle Regional High School Problems:**

- (1) District's analysis and conclusion to demolish on-site transportation buildings.**
- (2) Residents' concerns about transparency and communication regarding information about the high school building project.**
- (3) Budget issues that have not been addressed.**

In a letter to the Concord Carlisle Regional School District dated August 21, the MSBA requested a written response from the District with respect to problems (1) and (2) above, and one other, namely community approval of reductions in the building that were necessary to shrink it to fit within the cost voted by both towns in November 2011. I believe that the following report reflects the feelings of many citizens in Concord.

### **Status:**

The "transparency and communication" process in Concord is still badly broken. The Building Committee has never previously, and has not now, performed a proper analysis of their intention to demolish the on-site transportation buildings.

They have also revealed cost problems not in their submitted budget. I will describe those in an appendix.

I searched the minutes of the Building Committee and the School Committee meetings beginning from June 15, 2011, when the present school site was selected (then known as 14C). I searched through to August 19, 2011. From that latter date a print [identified as C-100] has been on file with MSBA; it shows the transportation buildings already then designated for destruction. I found no record in the two Committees' minutes of any "analysis and conclusion," to demolish them. If the Committee ever discussed such an analysis, they did not comply with the Open Meeting Law nor reveal their conclusion to the community.

When the District asked the Special Town Meeting in November 2011 to approve the \$92.6 million construction budget, a Concord citizen asked about the future of the transportation buildings. The response from the podium was, "No decision has been made about them". But in a presentation to the Building Committee on September 12, 2012, OMR admitted that the "project cost of \$92.6 million consistently assumed the existing bus depot would be demolished". The statement to the community in November 2011 was, in simple terms, fraudulent. I do not believe that a vote obtained fraudulently is valid and supportable.

During the months after the unrevealed decision for destruction, Deputy Superintendent John Flaherty was repeatedly asked about the future of the transportation buildings, in public forums. He did not once admit the prior decision to destroy the buildings. In September 2011 he told the Finance Committee that "the existing facility is adequate", suggesting that he would keep it. In later meetings with the town after he announced his plan for bus outsourcing, he promised to review alternatives. He deliberately deceived the community, and the community was outraged.

## **Another Failure by OMR Architects:**

I reported to you on August 5, 2012, that there is a reasonable way to build the new CCRHS exactly where the Building Committee has put it, but without violating the overwhelming vote at the Concord Town Meeting on April 24, 2012, to preserve the on-site transportation facility. Concord voiced a lack of confidence in the District.

After I published this proposal for a simple modification to the ring road originally designed by OMR (published as a Guest Commentary in the Concord Journal, August 23, on page A10), Stan Durlacher, Chair of the Building Committee, accepted my invitation to explain it to them. I provided full information, including details of the vertical sections and grading, to Stan Durlacher and to Brian Dakin of KVA. Brian told me the proposed design is feasible and promised to have it checked for details and costs. I gave him my email address and telephone numbers.

Over the next two weeks Brian Dakin reviewed the details of that proposal, but did not get back to me for any further technical discussion. I saw them for the first time only on September 12, at a Building Committee meeting, as the results were being presented publicly. Unfortunately, Brian and Stan had used OMR again for this review and costing.

But OMR had devoted most of their effort to cooking up five ways to make the proposal more expensive, as unfortunately is our long experience with OMR. Their Option 1 requires pivoting the entire school to one side, and would cost about \$4.2 million to design and implement. Their Option 2 slides the entire school westward and would cost \$4.1 million. Their Option 3 makes many complicated changes to the roads and would cost \$3 million. Their Option 4 made other unnecessary changes to the roads, and would cost \$2.5 million. Their Option 5 is most like my original proposal, and has the lowest cost at \$2.2 million, but it still includes their expensive and unnecessary additions.

Despite all this extraneous and costly effort, using \$50,000 authorized by the Building Committee, OMR *failed* to analyze the explicit design I had provided for them.

There are two principal and expensive errors in OMR's treatment of Option 5:

-Although they included a bus parking lot west of the new school, we will not need one. The existing old landfill area just east of the present school will be recapped. It can serve for parking most or all of the buses after the new student parking lot is provided. (During the three-year construction period, buses will in fact be parked elsewhere.) Two committees are already studying other options to park the buses permanently. I gave Brian Dakin a contact name to get any results that may be available now, for the permanent parking solution. Any expense for that later parking lot must be included in *any* option, including the present OMR design, so it is not an additive cost.

-OMR also changed the elevation grading proposal in a way that requires an expensive retaining wall and guard rail. We don't need that wall because the ring road can be lowered a bit as it passes around the southeast corner of the new school to match the

grade of the bus yard. If necessary the bus yard will also be raised a little. A simple fence or a painted stripe on the paving can then separate bus yard traffic from the ring road traffic.

-But OMR has humped up the ring road there instead of matching the grades as I proposed. Why? They made this error to solve a problem that exists only in their current design: to facilitate handicapped access to an emergency door of the school.

-The ADA requires that a bus drop-off be within 100 feet of a building entry. My proposed ring road position is about 60 feet from the normal south building entry, so it does not require special wheelchair access at the southeast corner. OMR's current design, with its distance of more than 130 feet from drop-off to the entry, requires a bus to stop a second time at their ramp to the corner door, for handicapped access.

The Option 5 from OMR lists 16 supposed drawbacks of their design. Some of them are correct, but apply to the OMR design, not to the proposal I made. The rest could have been resolved quickly by telephone if they or KVA or the Building Committee had been in communication about this proposal. In a list below I have discussed each of these 16 supposed problems: "(1) Comments on the OMR 'objections' to their Option 5"

When all these new design options were presented at the Building Committee meeting on September 12, Stan told citizens to hold their questions or comments to three minutes. There was no opportunity to explain an "Option 6", the design as it was actually proposed to them, nor to correct the many errors imposed onto it by OMR.

More than once in the September 12 Building Committee meeting, citizen questions were deferred with, "I'll have to get back to you about that." But it did not happen. Despite this faulty and rushed set of proposals, and the constrained communication, the Building Committee immediately voted not to change the road design to keep the transportation buildings. I would have voted the same way on these five expensive OMR proposals.

### **Rush to Decision:**

Why such a rush? I can only conclude that, in the absence of any earlier "analysis" supporting their conclusion to demolish our on-site transportation buildings, the Building Committee now wants to report to the MSBA (by September 14) that they have finally conducted an "analysis" to support their previously hidden but foregone and willful conclusion to demolish those buildings. Their actions since they received the MSBA letter of August 21 have been excellent theater, but unacceptable process. They have not yet conducted an "analysis".

What would it actually cost to implement the proposed design? I have reviewed it with a licensed landscape architect who believes that the additive cost would be just under \$200,000, less than a tenth of OMR's Option 5. He and I are both prepared to meet with you to discuss the details if you like.

I hope that the Building Committee will now consider the actual design proposal, here identified as “Option 6”, and vote as quickly to adopt it. Until they do so, I do not believe that they have met this MSBA condition for restoring state funding. The MSBA must not condone this continuing deception of the community, or the willful and unnecessary destruction of a town asset.

### **Deceptive Site Selection Process:**

OMR attempted to provide other justifications after the fact for deciding to destroy the transportation buildings. The OMR presentation on September 12 included two new “reasons” for rejection of Site 12R1, although that site would have avoided problems with the transportation buildings. The stated “reasons” for rejecting 12R1 were:

- Significant structural fill required -- too costly and not recommended by the geotechnical and structural engineers.
- Difficult service access to building.

But these two new reasons are NOT the reasons recorded in the minutes for the Building Committee meeting of June 15, 2011, when that Committee rejected the more suitable site 12R1, their “winner” on May 25, 2011, and replaced it with the current problem site 14C:

- Shorter construction period
- Less financial risk
- More logical layout
- Better site security for the school
- Less interruption to the academic year
- Better resulting site plan at the end

I have reviewed the “geotechnical” comments provided by their consultant, which are reported in Section 3.3 of the “Preferred Schematic Report” dated June 17, 2011, pages 3 and 15. It is clear that site 12R1 is buildable, needing only a few months for compaction of fill dirt moved in from the big hill now in the center of site 14C.

(The District provided this never-posted report to us for only \$73.17, evidently a model for their new “transparency”.)

Selecting site 12R1 would have permitted the use of a model school design!

### **Avoidance of an MSBA Model Design:**

When asked about a model school design at the November 2011 Town Meeting presentation, Jerry Wedge, then Building Committee Co-Chair, reported that, “The site is quite hilly, not a level lot, and therefore the MSBA model school program was not an option.” Probably quite true, if not documented. But that hilly site was chosen for poor and improperly recorded reasons, considering how much more it will cost us to continue building on site 14C. That is an expensive error, and it can still be corrected.

We have searched minutes of School Committee meetings and Building Committee meetings, and found no evidence that a model design, nor destruction of the transportation buildings, was ever considered or even mentioned for this project.

### **Voting Fraud:**

At the November Special Town Meeting the presenters stressed the wonderful features the new school would have -- features that we now know we are not going to get because the budget we voted did not match the design we were shown. The displayed budget was known to be short by \$7 to \$8 million. That beautiful building design appears to have been fraudulent bait to influence our vote.

By comparison with costs of the recently opened Natick High School, the capricious site choice made by the Building Committee on June 15, 2011 will evidently cost the taxpayers of Concord and Carlisle more than \$23 million *in addition* to what it cost Natick for their beautiful and slightly larger school. By the 2010 Census numbers, that is about \$1000 for *every* citizen of our two towns.

Was there really “less financial risk” with site 14C? That poor site decision cost us so much more that it will now be cheaper to start over with site 12R1, and build a model design school. We can complete the job in about the same construction time, and we will end up with a better school for our future. The money we will save can easily cover all the costs unwisely sunk to date with KVA and OMR, as well as all of the previously undisclosed costs that would still be needed to complete this project beyond the present budgeted \$92.6 million.

### **Deceptive Budget:**

I have attached an appendix below to detail many of those undisclosed costs, for which the District will have to come back repeatedly to the towns if they continue on their present course: “(2) Budget Problems with the Concord-Carlisle Regional High School”

Their new evident attempt to conceal and revise the history of the monumentally expensive site decision blunder, and to retroactively justify putting the school on site 14C, shows that the District is not yet “transparent” and in full “communication regarding information about the high school building project”. Until they change this manipulative and disruptive behavior, I do not believe that they have met this MSBA condition for restoring state funding. The MSBA must not condone this continuing deception of the community.

Please consider requiring the District to start over with a model design school on site 12R1, preferably using Ai3 Architects for the design work.

William T. Plummer  
129 Arena Terrace  
Concord, MA 01742  
978-369-3720  
September 14, 2012

## Appendices:

### (1) Comments on the OMR “objections” to their Option 5

- + Maintains proposed high school location  
**Yes, no change is needed in the building location or shape.**
- + Maintains existing bus depot buildings  
**This desire was overwhelmingly voted in the Town Meeting, April 24.**
- Loss of outdoor educational space  
**Plenty of outdoor educational space is available, including the large lawn on the north side and various areas outside of the ring road. It will be nice to have because the indoor space, especially for the arts, has been reduced.**
- Requires tree removal to west  
**No such tree removal is needed for Option 6. There is no need to put a parking lot up on that hill, even for long term. It would not be available for use in the next three years, and is a design error. This objection is to the OMR option, not the suggested Option 6.**
- Remote visitor parking at south entry  
**The visitor parking is not remote. Some of it is moved a little to the west along the ring road, but is still closer than other parking lot positions. There is plenty of parking in the main lot on the north side.**
- Turf field parking inaccessible for 3 years  
**Not true unless we include that unnecessary parking lot on the hill. This objection is to the OMR Option 5, not the suggested Option 6.**
- Expensive temporary access to turf fields  
**Not true. The access will not be blocked without the added parking lot. This objection is to the OMR Option 5, not the suggested Option 6.**
- Loss of future JV field and tennis courts  
**Strange objection. The present plan destroys both. They can be repaired, as there will be no parking lot in the way. This objection is to the OMR Option 5, not the suggested Option 6.**
- Unattractive buildings at school entry  
**The buildings are well maintained and tastefully painted, not “unattractive”. They are also about sixty yards away. This is a bogus objection. The main entry shifted to the north side of the school when the parking was “flipped” in June, 2012.**
- Loss of connection between school and athletic fields  
**Not true. The school will be closer to the new Astroturf fields than before, and nothing new is in the way. This objection is to the OMR Option 5, not the suggested Option 6, as Option 6 does not interpose a parking lot and leaves many ways to reach the fields. For all options there is an uphill hike of about ten feet.**



- Outside air quality may be impacted by buses  
**Buses do not impact air quality when they are parked. The only local air quality problem is from Route 2, where the new athletic fields are sited. The new school will be closer to Route 2 than the existing one.**
- New parking required for buses/drivers  
**Not a problem with the suggested Option 6, and not evidently a problem with OMR's Option 5.**
- Buses and employee parking are remote from bus buildings/ security  
**As now, the transportation facility will be staffed during the day and can be enclosed at night. If bus parking is provided over the recapped old landfill to the east of the present school, they can be surrounded by a security fence, and drivers can walk or can run one bus or car as a shuttle.**
- Costly site retaining walls and guard rails  
**An error by OMR. No retaining walls or guard rails are needed because the redesigned ring road is well within 100 feet of the south entry. Unlike the present OMR design, no special access is now needed for ADA, so the ring road and the bus yard do not require grade separation.**
- Project delays  
**There will be a delay only if we continue to argue about it instead of moving forward. Unlike OMR Option 5, the suggested Option 6 schedule impact is quite small.**
- Requires resubmitting of permitting  
**Minor issue. The changes are small, and mostly to include grandfathered features. If pumped sewage is an issue, keep the present septic system.**
- Increases impervious surface on the site  
**No increase is needed from the present condition.**
- Resubmission to the MSBA  
**I think the MSBA will consider this option an improvement, if it follows the suggested Option 6 instead of OMR's five options.**

#### UNKNOWN/ RISKS

- MACHPS Review for Green Prerequisites  
**I do not anticipate a problem with the suggested Option 6.**
- Traffic Study  
**I do not anticipate a problem with the suggested Option 6.**
- Groundwater Conservancy District  
**Why? Suggested Option 6 will retain existing conditions.**
- Special Permit needed to truck fill off-site  
**Brian Dakin says that fill removal is not necessary, and extra fill is desired.**
- NRC / CPW/ Planning/ ZBA Approval  
**This is only a hypothetical problem with Option 6, but a probable delay with all of OMR's options. The District deliberately left the transportation facility out of their CPW and ZBA permit applications.**

## **(2) Budget Problems with the Concord-Carlisle Regional High School**

The Project Funding Agreement between the District and the MSBA, executed and dated March 11, 2011, contains the following statements:

*“Total Project Budget” means a complete and full enumeration of all costs, including both hard costs and soft costs, so-called, that the District reasonably estimates, to the best of its knowledge and belief, has been or will be incurred in connection with the planning, design, construction, development, the mobilization of the operation, and the completion of the Project, approved by the Authority, which may be updated from time to time by mutual agreement of the Parties and which is attached hereto as Exhibit “A”. (Section 1, page 5)*

*“The District hereby acknowledges and agrees that all costs related to the Project, including the costs identified in the Total Project Budget and costs of the items appearing in the Project Scope, shall be subject to review and audit by the Authority, ....” (Covenant 3.5, page 7)*

Since the November 2011 Special Town Meeting votes to support the requested \$92.6 million to construct the new CCRHS, we have learned that the following project costs, at the least, were not included in that voted amount, and are to be paid later by the taxpayers of Concord and Carlisle:

- Willful destruction and relocation of the transportation facility
- Replacement of the five tennis courts
- Repair or replacement of the athletic field west of the tennis courts
- Decorative plantings on the site
- Visual screening of mechanicals on the roof of the new building
- Paving of walks
- Remediation of the undisclosed old landfill previously known to be on the site
- Equipment and furniture needed for the new building

Some of these costs were known to the project presenters before the November 2011 vote, the first was specifically denied at that Town Meeting, and others have been added to the list more recently as a result of the “value engineering” cuts.

We also have learned that the building design presented for the November vote was already known to cost more than \$7 million beyond the budget requested at that time. Because of this, the new building will fall short of what the voters were led to expect.

Failure of the District to include all of these costs, most of them previously known to be required before completion and full use of the new school, was deceptive to the voters and appears to have been fraudulent. A vote supported by fraudulent information is not valid. The Building Committee’s failure to include these project-related site costs in the signed Project Funding Agreement also appears to be a clear breach of the quoted requirements in that PFA contract, and a need to begin again.

If we now make a new start, using the already budgeted amount to cover the cost of a model school building on site 12R1, we will immediately avoid the unnecessary destruction of the transportation facility, save an enormous amount of money, and achieve a better school: one that we will be proud to use for the next 50 to 70 years.